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AQD EXHIBIT
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Butt, Neal T.

From: City of Albuquerque-Air Quality Division [jcwright@cabq.gov]
Sent: Thursday, August 12, 2010 8:50 AM
To: Butt, Neal T.
Subject: Legal Ad for Hearing Regarding 20.11.3 NMAC, Transportation Conformity
Follow Up Flag: Follow up
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Legal Ad for a Hearing Regarding 20.11.3 NMAC, *Transportation Conformity* and Incorporate an Amended 20.11.3 NMAC into the New Mexico State Implementation Plan for Air Quality (SIP)

Newsletter Subtitle
Month Year

ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD NOTICE OF HEARING AND REGULAR MEETING

On October 13, 2010, at 5:30 pm, the Albuquerque-Bernalillo County Air Quality Control Board (Air Board) will hold a public hearing in the Vincent E. Griego Chambers located in the basement level of the Albuquerque-Bernalillo County Government Center, 400 Marquette Avenue NW, Albuquerque, NM.

The hearing will address: Proposal to amend 20.11.3 NMAC, *Transportation Conformity*, and to incorporate an amended 20.11.3 NMAC into the New Mexico State Implementation Plan (SIP) for air quality. The Air Quality Division (AQD) of the City of Albuquerque Environmental Health Department is proposing these amendments in response to the promulgation by the U.S. Environmental Protection Agency (EPA) of an amended federal transportation conformity rule.

On March 24, 2010, the EPA promulgated changes to the transportation conformity rule which would affect $PM_{2.5}$ and PM_{10} nonattainment and maintenance areas. This rule became effective on April 23, 2010 [FR Vol. 75, No. 56,

14260-14285]. In response, and as required by EPA, the AQD is proposing amendments to update the local conformity regulation.

Transportation conformity is a Clean Air Act (CAA) requirement that ensures that federally-funded highway and transit projects "conform to" the purpose of the SIP. Conformity ensures that public health is protected by requiring early consideration of the air-quality impacts of transportation decisions in places where air quality does not currently meet national standards or has not met them in the past.

EPA's updated rule:

- Provides guidance on implementation of transportation conformity under the 2006 $PM_{2.5}$ national ambient air quality standards (NAAQS) to ensure that transportation planning and air quality planning are coordinated and that air quality is protected. Conformity will apply in 2006 $PM_{2.5}$ nonattainment areas for this NAAQS on December 14, 2010, based on the one-year grace period for newly designated areas in the CAA and the transportation conformity rule;
- Includes the requirements for demonstrating conformity for the 2006 $PM_{2.5}$ NAAQS, including the regional emissions test(s) that would apply before and after SIP motor vehicle emissions budgets are established for the revised NAAQS;
- Updates the baseline year for the interim emissions test to calendar year 2008 in 2006 $PM_{2.5}$ nonattainment areas;
- Clarifies which budgets PM_{10} nonattainment and

maintenance areas would use for transportation conformity determinations, now that the annual PM_{10} standard has been revoked;

- Clarifies that federally funded or approved highway and transit projects in $PM_{2.5}$, PM_{10} and CO nonattainment and maintenance areas must not delay timely attainment or achievement of other interim milestones;
- Improves the health and environmental benefits of the existing transportation conformity program by requiring new $PM_{2.5}$ nonattainment areas and existing PM_{10} nonattainment and maintenance areas to use conformity tests that ensure that air quality is protected in areas that need to attain or maintain federal air quality standards; and
- Clarifies that hot-spot analyses are performed in a manner consistent with the CAA public health and environmental requirements.

Following the hearing, the Air Board will hold its regular monthly meeting during which the Air Board is expected to consider adopting the proposed amendments to 20.11.3 NMAC, *Transportation Conformity*, and incorporating the amended regulation into the SIP.

The Air Board is the federally delegated air quality authority for Albuquerque and Bernalillo County. Local delegation authorizes the Air Board to administer and enforce the CAA and the New Mexico Air Quality Control Act, and to require local air pollution sources to comply with air quality standards and regulations.

Hearings and meetings of the Air Board are open to the public and all interested persons are encouraged to

participate. All persons who wish to testify regarding the subject of the hearing may do so at the hearing and will be given a reasonable opportunity to submit relevant evidence, data, views and arguments, orally or in writing, to introduce exhibits and to examine witnesses in accordance with the Joint Air Quality Control Board Ordinances, Section 9-5-1-6 ROA 1994 and Bernalillo County Ordinance 94-5, Section 6.

Anyone intending to present technical testimony is required by 20.11.82 NMAC, *Rulemaking Procedures - AQCB*, to submit a written Notice Of Intent (NOI) before 5:00 pm on September 28, 2010 to: Attn: October Hearing Record, Ms. Janice Wright, Albuquerque Environmental Health Department, P.O. Box 1293, Albuquerque, NM 87103, or in person in Room 3023, 400 Marquette Avenue NW. The NOI shall identify the person's name, address and affiliation.

In addition, written comments to be incorporated into the public record should be received at the above P.O. Box, or Environmental Health Department office, before 5:00pm on October 6, 2010. The comments shall include the name and address of the individual or organization submitting the statement. Written comments may also be submitted electronically to jcwright@cabq.gov and shall include the required name and address information.

Interested persons may obtain a copy of the proposed regulation at the Environmental Health Department Office, or by contacting Ms. Janice Wright, Albuquerque Environmental Health Department, P.O. Box 1293, Albuquerque, NM 87103, or by phone 768-2601, or by e-mail at jcwright@cabq.gov , or by downloading a copy from the City of Albuquerque Air Quality Division website.

NOTICE FOR PERSON WITH DISABILITIES: If you have a disability and/or require special assistance please call (505) 768-2600 [Voice] and special assistance will be made available to you to review any public meeting documents, including agendas and minutes. TTY users call the New Mexico Relay at 1-800-659-8331 and special assistance will be made available to you to review any public meeting documents, including agendas and minutes

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